1	EDMUND G. BROWN JR., Attorney General	
2	of the State of California JOSE R. GUERRERO, State Bar No. 97276	
3	Supervising Deputy Attorney General CATHERINE E. SANTILLAN	
4	Senior Legal Analyst 455 Golden Gate Avenue, Suite 11000	
5	San Francisco, CA 94102-7004 Telephone: (415) 703-5579	
6	Facsimile: (415) 703-5480	
7	Attorneys for Complainant	
8	BEFORE THE RESPIRATORY CARE BOARD	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	In the Matter of the Accusation and Petition to	Case No. D1 2007 018
11	Revoke Probation Against:	OAH No. 2008120779
12	SAM SI-QUN TANG 2221 Kenry Way	STIPULATED SURRENDER OF
13	South San Francisco CA 94134	LICENSE AND ORDER
14	Respiratory Care Practitioner License No. 15399	
15	Respondent.	
16		
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this	
18	proceeding that the following matters are true:	
19	<u>PARTIES</u>	
20	1. Stephanie Nunez (Complainant) is the Executive Officer of the	
21	Respiratory Care Board of California. She brought this action solely in her official capacity and	
22	is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of	
23	California, by Catherine E. Santillan, Senior Legal Analyst.	
24	2. Sam Si-Qun Tang (Respondent) is represented in this proceeding by	
25	attorney Adam G. Slote, Esq., whose address is 100 Pine Street, Suite 750, San Francisco, CA	
26	94111-5207.	
27	///	
28	///	

3. On or about August 24, 1992, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 15399 to Sam Si-Qun Tang (Respondent). The license was in full force and effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation No. D1 2007 018 and will expire on October 31, 2009, unless renewed.

#### JURISDICTION

4. Accusation and Petition to Revoke Probation No. D1 2007 018 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on November 25, 2008. Respondent timely filed his Notice of Defense contesting the Accusation and Petition to Revoke Probation. A copy of Accusation and Petition to Revoke Probation No. D1 2007 018 is attached as exhibit A and incorporated herein by reference.

# ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation and Petition to Revoke Probation No. D1 2007 018. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### **CULPABILITY**

8. For the purpose of resolving this Accusation without the expense and uncertainty of further proceedings, Respondent hereby gives up his right to contest the charges in the Accusation. He agrees that the Board has jurisdiction in this matter and the authority to discipline his license.

### ACKNOWLEDGMENTS

9. Respondent desires and agrees to surrender his Respiratory Care Practitioner License for the Board's formal acceptance, thereby giving up his right to practice as a respiratory care practitioner as of June 1, 2009.

#### **CONTINGENCY**

- Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

27 ///

28 ///

## 1 **ORDER** 2 IT IS THEREFORE STIPULATED AND ORDERED as follows: 3 1. **SURRENDER.** Respondent hereby agrees to surrender his wall and 4 wallet respiratory care practitioner license to the Board or its representative as of Monday, June 5 1, 2009 and the Board agrees to accept this surrender in resolution of this matter. 2. **REINSTATEMENT**. Respondent fully understands and agrees that if he 6 7 ever files an application for licensure or a petition for reinstatement in the State of California, the 8 Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, 9 regulations and procedures for reinstatement of a revoked license in effect at the time the petition 10 is filed, and all of the charges and allegations contained in Accusation and Petition to Revoke 11 Probation No. D1 2007 018 shall be deemed to be true, correct and admitted by Respondent 12 when the Board determines whether to grant or deny the petition. 13 3. Respondent understands that by signing this stipulation, he is enabling the 14 Board to issue its order accepting the surrender of his license without further process. He further 15 understands that upon acceptance of this stipulation by the Board, he will no longer be permitted 16 to work as a respiratory care practitioner in California. 17 **ACCEPTANCE** 18 I have carefully read the above Stipulated Surrender of License and Order and 19 have fully discussed it with my attorney, Adam G. Slote, Esq. I understand the stipulation and 20 the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated 21 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound 22 by the Decision and Order of the Respiratory Care Board. 23 /// 24 /// 25 /// 26 ///

27

28

///

///

1	By signing this stipulation to surrender my license, I recognize that as of June 1,	
2	2009, I will no longer be permitted to work as a respiratory care practitioner in the State of	
3	California.	
4	DATED: March 16, 2009.	
5		
6	Original signed by: Sam Si-Qun Tang	
7	Respondent	
8		
9	I have read and fully discussed with Respondent Sam Si-Qun Tang the terms and	
10	conditions and other matters contained in this Stipulated Surrender of License and Order. I	
11	approve its form and content.	
12	DATED: March 16, 2009.	
13		
14	Original signed by:	
15	ADAM G. SLOTE, ESQ. Attorney for Respondent	
16		
17	<u>ENDORSEMENT</u>	
18	The foregoing Stipulated Surrender of License and Order is hereby respectfully	
19	submitted for consideration by the Respiratory Care Board of the Department of Consumer	
20	Affairs.	
21	DATED: March 17, 2009.	
22	EDMUND G. BROWN JR., Attorney General	
23	of the State of California	
24	JOSE R. GUERRERO Supervising Deputy Attorney General	
25		
26	Original signed by: CATHERINE E. SANTILLAN	
27	Senior Legal Analyst Attorneys for Complainant	
28		

## BEFORE THE RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against:

SAM SI-QUN TANG 2221 Kenry Way South San Francisco CA 94134

Respiratory Care Practitioner License No. 15399

Respondent.

Case No. D1 2007 018

OAH No. 2008120779

### **DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 1, 2009.

It is so ORDERED April 10, 2009.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT PRESIDENT, RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA